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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Implementation of the ) MM Docket No. 92-260  
Cable Television Consumer )  
Protection and Competition )  
Act of 1992 )  
 )  
Home Wiring )

REPLY COMMENTS OF THE COMMUNITY ANTENNA TELEVISION  
ASSOCIATION, INC.

Community Antenna Television  
Association, Inc.  
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**REPLY COMMENTS OF THE COMMUNITY ANTENNA TELEVISION  
ASSOCIATION, INC.**

The Community Antenna Television Association, Inc., ("CATA"), is a trade association representing owners and operators of cable television systems serving approximately 80 percent of the nation's more than 60 million cable television subscribers. CATA filed "Comments" in this proceeding and files these "Reply Comments" on behalf of its members who will be directly affected by the Commission's action.

**DISCUSSION**

In its "Comments" CATA called for home wiring rules that would provide sufficient flexibility to enable subscribers to guard against damage and undue disruption of their dwelling units, while at the same time allowing the cable operator to protect his business as an ongoing concern from illegal and anticompetitive behavior. In addition we made these three specific suggestions: first, that cable operators be allowed to reclaim wiring when it is necessary to prevent theft of service; second, that existing contractual arrangements between

subscribers and operators in which rights have already been negotiated not be impaired; and third, that the Commission not become involved in setting rates for the subscriber's acquisition of home wiring or with other local issues. We are pleased that many of the other comments shared our concerns and suggestions.

Moreover, we endorse a number of the suggestions offered by other commentators. For instance, we believe as the Commission suggests in its "Notice," that Congress did not mean for the new rules to apply to common wiring in commercial or multiple dwelling units. We support the proposition that the rules must recognize and accommodate the operator's responsibility for signal leakage and system technical performance. And, we agree that the rules must ensure that the operator should be fairly compensated for the cost of wiring that he installed.

On the other hand, we take strong exception to the proposal offered by a number of commentators that the Commission adopt rules for cable home wiring modeled after those for the customer premises wiring of telephone service. The gist of this proposal is that cable operators should be required to provide both subscribers and alternative service providers with unrestricted access to cable home wiring immediately upon its installation. Not surprisingly, this proposal is a common theme of the comments filed by Bell Atlantic, NYNEX, the American Public Power Association, the Consumer Electronics Group of the Electronic Industries Association, and other groups each of which stand to reap a handsome economic benefit in the form of subscribers who have been prewired by cable operators who can then freely use the

wiring for delivery of their own services.

The telephone model however, is not appropriate for rules applicable to cable television home wiring. The distinction is well stated in the "Joint Comments" filed by Blade Communications, Inc., et al., and merits our reiteration. First, the objectives of allowing telephone and cable subscribers to own home wiring are different. Ownership of telephone wiring was instituted to promote competition for wiring installation and maintenance. This is not the case for cable wiring. Cable operators are not in the business of installing home wiring.

Second, telephone and cable have different interests in maintaining control over the wiring. The telephone company merely provides a line that is used by others to provide services. The cable operator, however, provides not only the line for the service, but also the content of the service. He has a vested interest in whatever the subscriber does with the line and the service, i.e., extends it to an additional receiver. Cable operators are not in the home wiring business. They are programmers as well. Importantly, the cable operator also is charged by the Commission with the responsibility of making sure that no signal leakage occurs. For telephone companies this is not a concern because their wiring does not carry RF.

Finally, cable television is not a necessity or a public utility service as is telephone. Multiplex Technology articulates the proposal suggested by a number of commentators, that cable be required to charge separately for wiring. That may work for telephone, electric or other public utility services,

but not for cable television. Cable is a nonessential service subscribed to by choice. Cable operators must entice people to subscribe to the service so charging an installation fee high enough to recover the entire cost of the installation and wiring is not a very good way to attract new subscribers. Instead cable operators rely on free or discounted installations and recover the costs later through monthly charges.

## CONCLUSION


The Commission should recognize that legitimate reasons may exist for cable operators to maintain control over home wiring. These reasons have been set forth by CATA and many of the other parties commenting in this proceeding.

The Commission also should understand that the customer premises rules used for telephone wiring, are not an appropriate model for cable television home wiring because of the differences stated above.

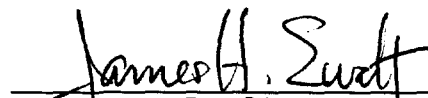
Respectfully submitted,

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